

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 15, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Zachary Troy Davis

Case Number: 0980 4:21CR06013-MKD-1

Address of Offender:

Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable David Nuffer, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Mary K. Dimke, U.S. Magistrate Judge

Date of Original Sentence: February 5, 2019

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 24 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Matthew Alan Stone

Date Supervision Commenced: July 17, 2020

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: July 16, 2023

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Preface, combined for brevity for violations 1 -3:

Mr. Davis commenced supervised release on July 17, 2020, in the District of Utah. He was accepted for courtesy supervision in the Eastern District of Washington on August 28, 2020. On August 28, 2020, his conditions of supervised release were reviewed with Mr. Davis telephonically due to the COVID-19 pandemic. Mr. Davis verbally acknowledged an understanding of his conditions, including the conditions noted below.

Mr. Davis had a substance abuse relapse and agreed to enter the Sobriety Treatment and Education Program (STEP). His case was transferred into STEP on August 30, 2021.

- | | |
|---|--|
| 1 | <u>Standard Condition #2:</u> After initially reporting to the probation office, you will receive instructions from the Court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed. |
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Supporting Evidence: Mr. Davis is considered in violation of his supervised release by failing to report to the probation officer as directed on or about September 10, 2021.

Prob12C

Re: Davis, Zachary Troy**September 15, 2021****Page 2**

On September 9, 2021, Mr. Davis was contacted by his supervising probation officer, David McCary, to discuss his treatment program with Merit Resource Services (Merit). Mr. Davis provided information indicating he had not heard from Merit to start treatment.

Officer McCary contacted Merit on September 10, 2021, and the information provided contradicted Mr. Davis' assertions (addressed in violation 2). Officer McCary attempted to re-contact Mr. Davis by phone that same day to discuss the issues. Mr. Davis did not answer his call and a voice mail could not be left for him as the voice mailbox was full. Officer McCary immediately followed up by sending Mr. Davis a text message instructing him to call him before noon that same day. Mr. Davis failed to contact him as instructed.

On September 15, 2021, the undersigned officer attempted to contact Mr. Davis by telephone to discuss his treatment program issues in preparation for the STEP meeting. The undersigned officer was able to leave a voice mail message and instructed Mr. Davis to call this officer as soon as possible on this same date to discuss STEP. As of this time, Mr. Davis has not returned the call.

- 2 **Special Condition #3:** You must participate in and successfully complete a substance-abuse evaluation and/or treatment under a co-payment plan, as directed by the U.S. Probation Office. During the course of treatment, you must not consume alcohol, nor frequent any establishment where alcohol is the chief item of order.

Supporting Evidence: Mr. Davis is considered in violation of his supervised release by failing to enter substance abuse treatment as required since on or about August 31, 2021.

On July 20, 2021, Mr. Davis admitted to his supervising probation officer relapsing with methamphetamine and marijuana in July 2021. Mr. Davis agreed he would take steps to address his addiction, to include increased reporting, getting an updated substance abuse assessment at Merit, and considering entering STEP. He was referred to Merit on July 23, 2021; and entered STEP on August 30, 2021.

On September 9, 2021, Mr. Davis was contacted by Officer McCary to discuss his treatment program with Merit. Mr. Davis informed Officer McCary that he had been waiting for 2 weeks for Merit to contact him, and he had not started treatment. Officer McCary instructed Mr. Davis to contact Merit the next day to set up his intake appointment.

Officer McCary further contacted Merit on September 10, 2021, and was advised the defendant missed his intake session on August 31, 2021. After the missed appointment, Merit sent Mr. Davis a letter directing him to contact their office and reschedule the intake appointment. To date, Mr. Davis has not contacted Merit as required.

- 3 **Special Condition #2:** You must submit to drug/alcohol testing as directed by the U.S. Probation Office.

Supporting Evidence: Mr. Davis is considered in violation of his supervised release by failing to report for drug testing as required on September 10 and 13, 2021.

Mr. Davis was initially referred to Merit for drug testing on October 8, 2020. He was directed to call Merit's drug testing line daily and to report to their office for drug testing when the color gold was called. Mr. Davis was subsequently transferred into STEP, and on

Prob12C

Re: Davis, Zachary Troy

September 15, 2021

Page 3

September 9, 2021, he was notified he would be switched to the color white starting September 10, 2021.

Merit sent notices to the probation office advising that Mr. Davis did not attend drug testing on September 10 and 13, 2021, when the color white was called. Attempts to contact Mr. Davis to discuss the missed tests have been unsuccessful as Mr. Davis has not contacted the probation office as instructed.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 15, 2021

s/SanJuanita B. Coronado

SanJuanita B. Coronado
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other
- ☒ Defendant to appear before the magistrate judge.





Signature of Judicial Officer

9/15/2021

Date